

Superior Court of Washington, County of _____

In the Guardianship of:

No. _____

Respondent/s (*minors/children*)

Motion for Immediate Order (Ex Parte) -
Emergency Minor Guardianship and
Restraining Order
(MTSC)

**Motion for Immediate Order (Ex Parte) –
Emergency Minor Guardianship and Restraining Order**

To the person filing this motion:

You must file a *Minor Guardianship Petition* or an *Emergency Minor Guardianship Petition* before or at the same time as this motion. **Use this form** if you cannot wait until the hearing on your *Motion or Petition*.

You must ask the court to sign the *Immediate Minor Guardianship Order (Ex Parte) and Hearing Notice* (Form GDN M 205). This Order may be signed “ex parte” (without the other party there). Contact the Superior Court Clerk’s office for the procedure in your county.

Within 48 hours after the court signs the *Immediate Minor Guardianship Order*, you must serve this *Motion* and *Order* to the parents, any child 12 or older, anyone having custody of the children, and any lawyer appointed.

To the person receiving this motion:

If you do not agree with the requests in this motion, come to the hearing to explain why. You should also file an *Objection*. You may file other written proof supporting your side, and propose your own visitation schedule, guardian, or *Child Support Worksheets* (if needed).

To both parties:

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county’s Local Court Rules); AND
- Give all other parties or their lawyers a copy of your papers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county’s Local Court Rules, if any.

Bring proposed orders to the hearing.

Deadline! Your papers must be filed and served by the deadline in your county’s Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are available online at www.courts.wa.gov.

1. My name is:_____. I am asking the court for an *Immediate Minor Guardianship Order* for these children:

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	

2. The proposed guardian is (name/s):_____
Without an *Immediate Minor Guardianship Order* the children's health, safety, or welfare will be substantially and irreparably harmed prior to a hearing. (*Explain how the children could be harmed beyond repair*):

(If you need additional space attach another sheet)

3. **Notice** (check one):

☐ I should **not** have to notify the other parties in advance that I am asking for an *Immediate Minor Guardianship Order* because the children could be harmed beyond repair if I gave notice. (*Explain why the children could be harmed by giving notice before the hearing*):

☐ I **have** notified the other parties that I am asking for an *Immediate Minor Guardianship Order*. (*Describe any steps taken to give the other parties or their lawyers notice of this Motion*):

4. **Tribal Heritage**

If there is a reason to know that a child has **tribal heritage** (including ancestry or familial political affiliation), the court must treat the child as an Indian child unless and until the affected tribe/s decide otherwise or decline to respond after receiving proper notice.

An **Indian child** is a child who is a member of an Indian tribe, or who is the biological child of an Indian tribe member and is eligible for membership. You must try to find out if any child in this case is an Indian child. If so, the federal and state Indian Child Welfare Acts will apply to your case.

☐ I ask the court to find that the federal and state *Indian Child Welfare Acts* do not apply to this case. None of the children have tribal heritage. I know this because *(explain if the children have no tribal heritage, or if any possible tribal heritage has already been explored and decided in another court proceeding that complied with ICWA)*: _____

☐ The children are or may be Indian children.

Jurisdiction – The court has jurisdiction over the Indian children because they are:

☐ **not** domiciled or living on an Indian reservation, and are not wards of a tribal court.

☐ domiciled or living on an Indian reservation, and *(check all that apply)*:

☐ The children's tribe agrees to Washington State's concurrent jurisdiction.

☐ The children's tribe decided not to use its exclusive jurisdiction (expressly declined). (RCW 13.38.060)

☐ Washington State should claim emergency jurisdiction for children temporarily located off the reservation to protect the children from immediate physical damage or harm. (RCW 13.38.140)

Notice to tribes – Petitioner *(check one)*: ☐ provided or is providing ☐ did **not** provide the required *Indian Child Welfare Act Notice* (form GDN M 401) and a copy of the *Petition* to the children's tribe/s, the parents, and any Indian custodian.

I ask the Court to approve these orders immediately *(check all that apply)*:

5. Custody (immediate guardianship)

☐ No request.

☐ Order that the children listed in **1** will live with the proposed guardian until the hearing. Order the clerk to issue letters of guardianship to the proposed guardian that will be valid until the hearing. The letters should give the guardian the following powers:

☐ Healthcare decisions, including mental health

☐ School/educational decisions

☐ Access to and ability to release healthcare records

☐ Other *(specify)*: _____

6. Temporary Restraining Orders

☐ No request.

☐ **Stay in Washington** – Order *(name/s)*: _____ not to take the children listed in **1** out of Washington State.

☐ **Do Not Disturb** – Order *(name/s)*: _____ not to disturb *(check all that apply)*: ☐ my peace ☐ the peace of any child listed in **1**.

☐ **Stay Away** – Order (*name/s*): _____ not to go onto the grounds of or enter (*check all that apply*): ☐ my home, workplace, or school ☐ the daycare or school of any child listed in 1.

☐ Also, to not knowingly go or stay within _____ feet of these places.

Important! This restraining order must be enforced through the civil contempt process in court.

7. Other immediate orders

☐ No request.

☐ (*Specify*): _____

➤ **I ask the court to approve these temporary orders at the motion hearing to stay in effect until the case is done** (*check all that apply*):

Important! The court will not grant requests below immediately. The court will consider these requests at the motion hearing.

8. Extend immediate orders

☐ No request.

☐ Extend the immediate orders I asked for above to stay in effect until this Emergency Minor Guardianship case or Minor Guardianship case, is done.

9. Appoint Guardian ad Litem (GAL) or Court Visitor

☐ No request.

☐ Appoint a person (*Guardian ad Litem or Court Visitor*) to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees.

10. Parents' visitation

☐ No request.

☐ Approve my proposed visitation schedule as listed in the *Minor Guardianship Petition* or *Emergency Minor Guardianship Petition*.

11. Support, insurance, and taxes

The children have a right to child support (including medical support) from the legal parents, according to state law. The emergency guardian may ask the Division of Child Support or the court to order temporary child support.

Support – I ask the court to order the parents to (*check all that apply*):

☐ no request.

☐ pay child support according to the *Child Support Schedule Worksheets*.

☐ provide and keep health insurance for the children.

☐ pay children's daycare, uninsured medical, or other expenses.

Tax Issues – I ask the court to order:

☐ Petitioners have the right to claim the children as dependents for purposes of personal tax exemptions and associated tax credits on our tax forms.

☐ (*other*): _____

12. Fees and costs

- ☐ No request.
- ☐ Order who should pay for court costs, Guardian ad Litem fees, Court Visitor fees, lawyer fees, and other reasonable fees.

13. Other temporary orders

- ☐ No request.
- ☐ (*Specify*): _____

➤ **Reasons for my requests**

14. Why are you asking the court for the orders you checked above? (Explain):

- If you need more space you may add lines, attach pages, or file a separate declaration using form FL All Family 135.
- If you are asking for child support, also fill out the *Child Support Worksheets*. If you have received public assistance for any child in this case, also fill out the *Public Assistance Declaration*, form FL All Family 132. Child support is based upon the income of both parents, not the income of the guardian.

[illegible]

Person asking for this order fills out below:

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form (including any attachments) are true. ☐ I have attached (#): _____ pages.

Signed at (*city and state*): _____ Date: _____



Person asking for this order signs here *Print name here*

The following is my contact information:

Email: _____ Phone (Optional): _____

I agree to accept legal papers for this case at (*check one*):

☐ my lawyer's address, listed below.

☐ the following address (*this does **not** have to be your home address*):

Street Address or PO Box *City* *State* *Zip*

☐ Email: _____

Lawyer (if any) fills out below:



Lawyer signs here *Print name and WSBA No.* *Date*

Lawyer's street address or PO box *city* *state* *zip*

Email (*if applicable*): _____